

  
(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To establish a United States Commission on Hate Crimes to study and make recommendations on the prevention of the commission of hate crimes, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. KRISHNAMOORTHY introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish a United States Commission on Hate Crimes to study and make recommendations on the prevention of the commission of hate crimes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hate Crimes Commis-  
5 sion Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1           (1) The Federal Bureau of Investigation (re-  
2       ferred to in this section as the “FBI”) defines a  
3       hate crime as a criminal offense—such as murder,  
4       arson, or vandalism—against a person or property  
5       motivated in whole or in part by an offender’s bias  
6       against a race, color, national origin, religion, dis-  
7       ability, sexual orientation, ethnicity, gender, or gen-  
8       der identity.

9           (2) Forty-six States and the District of Colum-  
10      bia have statutes criminalizing various types of bias-  
11      motivated violence or intimidation.

12          (3) Congress has enacted various statutes to  
13      address hate crimes since 1968, with the most re-  
14      cent statute, the COVID–19 Hate Crimes Act (Pub-  
15      lic Law 117–113; 135 Stat. 265), enacted in 2021.

16          (4) In 2021, the FBI reported 10,840 single-  
17      bias incidents, an increase of nearly 12 percent from  
18      2020.

19          (5) Hate crimes not only damage the individual  
20      victim or victims, but also traumatize entire commu-  
21      nities and erode public confidence in their safety.

22          (6) In 2021—

23              (A) 64.5 percent of victims were targeted  
24      because of the offender’s race, ethnicity, or an-  
25      cestry bias;

1 (B) 15.9 percent of victims were targeted  
2 because of the offender's sexual orientation  
3 bias;

4 (C) 14.1 percent of victims were targeted  
5 because of the offender's religious bias;

6 (D) 3.2 percent of victims were targeted  
7 because of the offender's gender identity bias;

8 (E) 1.4 percent of victims were targeted  
9 because of the offender's disability bias; and

10 (F) 1 percent of victims were targeted be-  
11 cause of the offender's gender bias.

12 (7) In testimony before the Committee on  
13 Homeland Security of the House of Representatives  
14 in September 2020, FBI Director Christopher Wray  
15 said, "Within the domestic terrorism bucket, the cat-  
16 egory as a whole, racially motivated violent extre-  
17 mism is, I think, the biggest bucket within that larg-  
18 er group. And within the racially motivated violent  
19 extremist bucket, people subscribing to some kind of  
20 white supremacist-type ideology is certainly the big-  
21 gest chunk of that."

22 (8) In August 2012, a shooting at the gurdwara  
23 in Oak Creek, Wisconsin left 6 people dead, and a  
24 seventh victim of the shooting succumbed to his in-  
25 juries in 2020.

1           (9) In October 2018, a shooting at the Tree of  
2 Life synagogue in Pittsburgh, Pennsylvania left 11  
3 people dead.

4           (10) In July 2019, a Hindu priest in New York  
5 City was hospitalized after a man attacked him and  
6 screamed "this is my neighborhood" during the inci-  
7 dent.

8           (11) In August 2019, an assailant entered a  
9 Walmart in El Paso, Texas to target Hispanic immi-  
10 grants and left 22 people dead.

11           (12) In November 2020, a woman shouted anti-  
12 Muslim slurs and attacked a couple in New York  
13 City, leaving one victim needing surgery for facial  
14 fractures.

15           (13) In March 2021, a gunman targeted 3 spas  
16 across Atlanta, Georgia, killing 8 people, 6 of whom  
17 were Asian women.

18           (14) In May 2022, a gunman injured 3 people  
19 after entering a Korean-owned business in Dallas,  
20 Texas and firing 13 rounds before fleeing.

21           (15) In May 2022, a gunman targeted a Tops  
22 supermarket located in a predominantly Black  
23 neighborhood in Buffalo, New York, killing 10 peo-  
24 ple and injuring 3 others. Of the 13 victims, 11 were  
25 Black.

1           (16) In November 2022, a gunman killed 5 peo-  
2           ple and wounded 25 others after opening fire on an  
3           LGBTQ+ night club in Colorado Spring, Colorado.

4           (17) In response to the COVID-19 pandemic,  
5           Asian Americans have suffered an increasing num-  
6           ber of hate crimes. According to Stop AAPI Hate,  
7           nearly 11,500 “hate incidents” toward Asian Ameri-  
8           cans and Pacific Islanders were reported between  
9           March 2020 and March 2022.

10          (18) The Anti-Defamation League (commonly  
11          known as the “ADL”) annually surveys and reports  
12          anti-Semitic hate incidents across the country. In  
13          2022, the ADL reported a 36 percent increase in  
14          anti-Semitic incidents compared to 2021.

15          (19) In the original 2021 Hate Crime Statistics  
16          published by the FBI in December 2022, the FBI  
17          acknowledged the significant discrepancy in report-  
18          ing from local law enforcement agencies as a result  
19          of transitioning to the National Incident-Based Re-  
20          porting System. Due to the lack of reporting by local  
21          enforcement agencies, the FBI acknowledged that  
22          the 2021 Hate Crime Statistics cannot be compared  
23          reliably across years.

24          (20) In March 2023, the FBI released supple-  
25          mental data for the 2021 Hate Crime Statistics con-

1       sisting of data collected through the Summary Re-  
2       porting System by local law enforcement agencies.

3       (21) There is a clear need for stronger action  
4       to accurately report and effectively combat hate-  
5       based attacks.

6   **SEC. 3. ESTABLISHMENT OF COMMISSION.**

7       (a) ESTABLISHMENT.—There is established the  
8       United States Commission on Hate Crimes (in this Act  
9       referred to as the “Commission”).

10      (b) MEMBERSHIP.—

11       (1) SIZE OF COMMISSION.—The Commission  
12       shall be composed of 12 members.

13       (2) APPOINTMENT.—Members of the Commis-  
14       sion shall be appointed in accordance with the fol-  
15       lowing:

16       (A) Two members shall be appointed by  
17       the majority leader of the Senate.

18       (B) Two members shall be appointed by  
19       the minority leader of the Senate.

20       (C) Two members shall be appointed by  
21       the Speaker of the House of Representatives.

22       (D) Two members shall be appointed by  
23       the minority leader of the House of Representa-  
24       tives.

1 (E) Two members shall be appointed by  
2 the Attorney General.

3 (F) Two members shall be appointed by  
4 the Secretary of Health and Human Services.

5 (3) LIMITATIONS.—Not more than 5 members  
6 of the Commission may be from the law enforcement  
7 community and not more than 5 members of the  
8 Commission may be from the civil rights community.

9 (4) DEADLINE.—Each member of the Commis-  
10 sion shall be appointed not later than 60 days after  
11 the date of enactment of this Act.

12 (c) MEETINGS.—The Commission shall hold its first  
13 meeting not later than 90 days after the date as of which  
14 all members of the Commission have been appointed under  
15 subsection (b)(2).

16 **SEC. 4. DUTIES OF THE COMMISSION.**

17 (a) DEFINITION.—In this section, the term “hate  
18 crime” means an offense under section 249 of title 18,  
19 United States Code.

20 (b) INVESTIGATION.—The Commission shall inves-  
21 tigate the following:

22 (1) Whether the number of hate crimes com-  
23 mitted has increased during the period beginning on  
24 January 1, 2015, and ending on the date that is 60  
25 days after the date of enactment of this Act.

1           (2) To the extent that the Commission deter-  
2           mines under paragraph (1) that the number of hate  
3           crimes committed has increased, the factors that  
4           have contributed to the increase.

5           (3) Policies or actions that law enforcement  
6           agencies might adopt or engage in to reduce the  
7           commission of hate crimes.

8           (4) The impact of underreporting on hate  
9           crimes statistics and hate crimes prevention.

10          (5) Ways to improve hate crimes reporting and  
11          ensure full and complete participation in the Na-  
12          tional Incident-Based Reporting System by local law  
13          enforcement agencies, including by identifying any  
14          barriers that may deter such reporting.

15          (6) Bias prevention efforts and responses to  
16          hate crimes that are successful and possible through  
17          coordination with nonprofit organizations, local edu-  
18          cation agencies, and government entities.

19          (7) The prevalence and rise of online hate crime  
20          incidents.

21 **SEC. 5. REPORT.**

22          Not later than 1 year after the date as of which all  
23          members of the Commission have been appointed under  
24          section 3(b)(2), the Commission shall submit a report to  
25          Congress and the President that sets forth the results of



1 the investigation conducted under section 4, including rec-  
2 ommendations for—

3 (1) actions Federal agencies can take to help  
4 improve hate crimes reporting by local law enforce-  
5 ment agencies, as described in section 4(b)(5); and

6 (2) bias prevention efforts and responses to  
7 hate crimes, as described in section 4(b)(6).